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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,846	11/09/2001	Claude Couture	CLW 2 0148	7917
7590 10/24/2003 FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2516			EXAMINER TRAN, THAO T	
			ART UNIT 1711	PAPER NUMBER

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,846

Applicant(s)

COUTURE ET AL.

Examiner

Thao T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,26-37,63 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,26-37,63 and 66-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Due to the amendments received on September 22, 2003, Group V, claim 69, has been rejoined with Group I, claims 1-9, 26-37, and 66-68, for prosecution.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. Claim 69 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "an effective amount" in the claim is a relative phrase, which renders the claim indefinite. The phrase "an effective amount" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. A clear definition of "an effective amount" is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 26-37, 63, 66-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaudhuri et al. (US Pat. 4,508,705), or Mindt et al. (US Pat. 4,296,234), or Hooper et al. (US Pat. 4,278,658).

Chaudhuri teaches an antiperspirant composition, comprising a moisture-absorbent water-insoluble polymer, the polymer comprising a cross-linked starch, other anionic polyelectrolytes, and a base hydrolyzed starch/polyacrylonitrile graft copolymer (see abstract; col. 2, ln. 52-57). The cross-linking of the starch molecules is by ether bridges of the formula —O-R-O—; wherein R is an aliphatic group containing 1 to 10 carbon atoms or an alkylene group containing 1 to 2 carbon atoms (see col. 3, ln. 1-26).

Mindt teaches an absorbent disposable product, comprising a highly absorbent material; the absorbent material being a water-insoluble crosslinked gelatinized starch and fibrous materials such as cotton cloth, paper, or cellulosic fluff (see abstract; col. 5, ln. 67 bridging col. 6, ln. 10). The gelatinized starch is crosslinked by ether linkages of the formula —O-R-O—; wherein R is an aliphatic group containing 1 to 10 carbon atoms or an alkylene group containing 1 to 2 carbon atoms (see col. 2, ln. 40-65).

Hooper teaches a skin treatment product, comprising binders, carriers, emollients, propellants, and powdered absorbents; the powdered absorbents containing water-insoluble cross-linked starch and other absorbents, such as polyelectrolytes and hydrolyzed starch/polyacrylonitrile graft copolymer (see col. 10, ln. 52-64). The cross-linking of the starch molecules is by ether bridges of the formula —O-R-O—; wherein R is an aliphatic group

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containing 1 to 10 carbon atoms or an alkylene group containing 1 to 2 carbon atoms (see col. 11, ln. 1-32).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 703-306-5698, or 571-272-1080 (after about December 4, 2003). The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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October 19, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700